

REMARKS

Applicant thanks the Examiner for withdrawing the 102(e) rejections set forth in the Office Action dated April 22, 2004.

In the Office Action, the Examiner finally rejected claims 38-39 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Although applicant does not agree with the rejection, in order to speed prosecution of this application to interference, in response, applicant has cancelled claims 38-39. Therefore, this grounds of rejection is rendered moot.

In the Office Action, the Examiner also provisionally rejected claims 36-37 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 38-41 of copending Application No. 10/266,975. In response, Applicant herewith is submitting Form PTO/SB/25 "Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending 'Reference' Application." Therefore, applicant requests removal of this grounds of rejection.

In the Office Action, the Examiner further noted that the information disclosure statement filed on April 29, 2005 failed to comply with 37 CFR 1.98(a)(1). Applicant apologizes for any inconvenience caused by the inadvertent omission of Form PTO/SB/08B and herewith submits a Replacement Supplemental Information Disclosure Statement with the proper form. Applicant requests that the information contained therein be considered in the pending application and be made of-record.

In light of the foregoing applicant respectfully submits that that the claims of the present application are in proper form for allowance. Favorable consideration and early allowance are therefore respectfully requested and earnestly solicited.

Respectfully submitted,



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